

Attorney Docket No.: J2073(C)  
Serial No.: 10/560,624  
Filed: June 8, 2006  
Confirmation No.: 9171

### **REMARKS**

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

A Replacement Sheet and New Sheet are herewith provided. The changes reflect additional numerals to define elements amended in the specification. These numerals include 11, 12, 13, 14, 15 and 16.

The drawings were objected to under 37 C.F.R. §1.83(a). Applicant at least partially traverses this rejection.

The Examiner has questioned how material moves from the valves 4-7 to outside of the container. This is quite evident from the specification. Cap 8 is removed and thereby flow from the valves directly exits the container. The Examiner has also questioned how the cap or cover 8 is attached to the device. This cap is a simple friction fit cap. All those skilled in the art would fully recognize such mechanism and it is not considered necessary to provide further drawing structure. In connection with this, Applicant notes that the cap is not being claimed. Its presence or absence is not part of the inventive concept. Of course, a cap or cover much like a label will usually be present for dispensers of this invention and will be found as part of any claimed dispenser.

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Objection was also drawn to the "cross section of the partition" aspect found in claim 4. Since claim 4 has now been canceled, this objection should be moot.

The drawings were also objected to for failing to comply with 37 C.F.R. § 1.84(p)(5). Applicant has submitted a replacement sheet which details elements 5 and 7-8 as well as numerals for other elements of the original drawings. The new numerals are identified in the amended specification.

Claims 1-4 were rejected under 35 U.S.C. § 103(a) as unpatentable over WO 03/006320 (Chan et al.). Applicant traverses this rejection.

Amended claim 1 recites a plurality of valves inserted within openings of the container body. Each of these valves features an aperture for discharging material stored within a respective compartment. Unlike the claims, Chan et al. does not disclose valves inserted within openings of the container body.

The present claims also require the valves not to be co-constructed with the elastic partition. By contrast, Chan et al. in all the Figures shows dispensing orifices constructed with a wall continuous or part of a partition wall. For these reasons, Chan et al. would not render the instant invention *prima facie* obvious.

Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over WO 03/006320 (Chan et al.) in view of US Patent 5,076,464 (Simon). Applicant traverses this rejection.

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Simon was introduced for disclosing a corrugated shaped partition. Yet Simon does not remedy the basic deficiencies of Chan et al. There is no disclosure of inserted valves whose structure does not include the partition walls separating compartments.

Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over WO 03/006320 (Chan et al.) in view of US Patent 6,283,316 (Sherman). Applicant traverses this rejection.

Sherman was cited for teaching a container with three or four apertures for the corresponding compartments of a container, each separated by a partition. Applicant notes that the partition forms a wall 16 on the dispensing aperture 6. A combination of these references would not render the claims *prima facie* obvious.

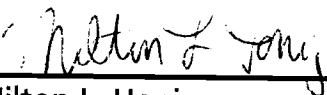
Claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over WO 03/006320 (Chan et al.) in view of US Patent 2,564,359 (Fuller). Applicant traverses this rejection.

Fuller was cited for teaching deformable outer walls which are not collapsible. Yet this reference would not remedy the basic deficiencies of Chan et al. Neither of the references teaches inserted valves each with dispensing apertures and that these valves are not integrally moulded with the compartment partition wall. The combination of the art would not render the instant invention *prima facie* obvious.

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In view of the foregoing amendment and comments, applicant requests the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,

  
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